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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,420	06/27/2001	Yasushi Ayaki	MTS-3263 US	2673

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EXAMINER

FLETCHER, JAMES A

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

### Office Action Summary

**Application No.**

09/869,420

**Applicant(s)**

AYAKI, YASUSHI

**Examiner**

James A. Fletcher

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)

- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 13 January 2005 have been fully considered but they are not persuasive.

**In re page 6**, applicant's representative states: "Winter does not disclose providing a separate deletion file selecting criteria information to each recording area."

The examiner respectfully disagrees. Winter clearly discloses a criterion for deletion based on whether or not a file has been viewed once, which is a "number of times," as recited in the applicant's claims. See Col 79, lines 43-47.

**Further in re page 6**, applicant's representative states: "Browne, however, does not disclose providing a separate deletion file selecting criteria information to each recording area."

The examiner again respectfully disagrees. Browne clearly shows a criterion for each file, both in Page 19, lines 21-22, but elsewhere throughout the disclosure, such as on page 19, lines 15-18.

The examiner would like to suggest that the cited references could be overcome by amending claim 1 to indicate that the "number of times" the files have been viewed is greater than once.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winter et al (5,884,042), and further in view of Browne (WO 92/22983).

**Regarding claim 1**, Winter et al disclose a data recording/reproducing apparatus comprising:

- recording area setting means of setting a plurality of logical recording areas in a recording medium which is for recording and reproducing data (Col 4, lines 2-8 "a data memory device...and a control device for designating a main portion of the data memory device...the control device also designating a buffer portion on the data memory device"); and
- file management means which refers to free area management information, which is for managing a free area capacity for each one of the recording areas, recording file management information, which is for managing a file to be recorded for each one of the recording areas, and deletion files selecting criteria information, which is for selecting a file to be deleted for each one of the recording areas, and executes management of the files (Col 41, lines 55-56 "it is then determined whether the disk or disks available for video data storage are full" and lines 65-66 "then the file index list is reset and storage proceeds at the 'beginning' of the hard disk"),
- wherein for writing of new data in a predetermined recording are, when the file management means judges that a free area for writing the new data is insufficient with reference to the free area management information, the file

management means, referring to the deletion file selecting criteria information, deletes a portion of all of at least one file which is recorded in the predetermined recording area of does not execute an operation for writing the new data (Col 42, lines 21-25 "a new portion of the hard disk may be assigned for use as the ring buffer, with the portion of the hard-disk previously assigned to use as a ring buffer having been made a part of the permanent storage portion in order to preserve the video data recorded n the pre-alarm buffer prior to the detection of the alarm condition"),

- Winter suggests a deletion file selecting criteria information criteria based on a number of times a data file has been viewed (Col 79, lines 43-47 "at step 2468, it is determined how many alarm event conditions have been noted and not reviewed by the user. Following step 2468 is step 2470, which generates a count of alarm event reports that have been reviewed but not deleted."), but do not specifically disclose that the deletion criteria is based on the number of times the file has been viewed.

Browne teaches the deletion of a file based on its viewing history (Page 19, lines 20-22 "By selecting previously viewed option 301b, only programs which have been viewed will be automatically erased.")

As suggested by Winter and taught by Browne, the viewing history of a file is a previously known parameter in selecting a file for deletion from a storage device with limited capacity.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Winter in order to establish deletion criteria based on the number of times a file has been viewed.

- Winter suggests a file management means that includes setting the number of times each of the stored data files has been viewed (Col 79, lines 43-47 "at step 2468, it is determined how many alarm event conditions have been noted and not reviewed by the user. Following step 2468 is step 2470, which generates a count of alarm event reports that have been reviewed but not deleted."), but do not specifically disclose that the deletion criteria is based on the number of times the file has been viewed.

Browne teaches a file management means based on the viewing history of the file (Page 19, lines 20-22 "By selecting previously viewed option 301b, only programs which have been viewed will be automatically erased.")

As suggested by Winter and taught by Browne, the viewing history of a file is a previously known parameter in managing a file on a storage device with limited capacity.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Winter in order to establish manage a file based on the number of times the file has been viewed.

- Winter suggests deleting a file based on the number of times it has been viewed and the amount of remaining storage capacity (Col 79, lines 43-47 "at step 2468, it is determined how many alarm event conditions have been

noted and not reviewed by the user. Following step 2468 is step 2470, which generates a count of alarm event reports that have been reviewed but not deleted”), but does not specifically disclose a file management means deleting a file based on those criteria.

Browne teaches deletion of a file if:

- o (i) a predetermined storage capacity available for the free area is smaller than an amount of data required to store the new data (Page 19, lines 6-7 “Programs may be stored in storage section 104 and erased when storage capacity is reached”) and
- o (ii) the deletion criteria is satisfied which is based on the number of times a data file has been viewed (Page 19, lines 20-22 “By selecting previously viewed option 301b, only programs which have been viewed will be automatically erased.”)

As suggested by Winter and taught by Browne, deleting a program when inadequate storage space remains for recording a new program, and selecting that program for deletion based on its viewing history is a well-known set of criteria for freeing storage space on a medium with finite capacity.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Winter in order to provide criteria of a file’s viewing history to select it for deletion when storage space is inadequate.

**Regarding claim 2**, Winter et al disclose a data recording/reproducing apparatus wherein when not executing writing of the new data, the file management means notifies to outside that writing of the new data is not executed (Col 41, lines 59-63 "it is determined whether the video data storage disk or disks are being employed in a ring mode. If not, then the video storage software component sends a message to the system director indicating that the end of the storage capacity has been reached"), and accepts an instruction in response to the notification from outside (Col 14, lines 8-10 "a host computer which provides support functions and downloadable software resources to the IVIM systems").

**Regarding claim 3**, Winter et al disclose a data recording/reproducing apparatus including deletion file selecting criteria information setting means which is for a user to set up the deletion file selecting criteria information for each one of the recording areas (Col 42, lines 21-25 "a new portion of the hard disk may be assigned for use as the ring buffer, with the portion of the hard-disk previously assigned to use as a ring buffer having been made a part of the permanent storage portion in order to preserve the video data recorded in the pre-alarm buffer prior to the detection of the alarm condition" and Col 14, lines 8-10 "a host computer which provides support functions and downloadable software resources to the IVIM systems")

**Regarding claim 4**, Winter et al disclose a data recording/reproducing apparatus wherein the files are grouped in accordance with a predetermined criteria, the file management means, when deleting a portion of all of at least one file which is recorded in the predetermined recording are, deletes the file which is to be deleted as well as



other files which belong to the same group as the file which is to be deleted (Col 40, lines 26-29 "The video data...complies with the Microsoft .AVI...standard" and lines 35-38 "The data corresponding to the streams of incoming video signals are stored interleaved together in the form of fixed length files" and Col 41, lines 46-48 "the process stores in a currently open file on the hard disk the next 'chunk' of video data intended for quasi-permanent data storage" and lines 53-55 "the process determines whether the end of the current file has been reached" and lines 55-56 "it is then determined whether the disk or disks available for video data storage are full" and lines 65-66 "then the file index list is reset and storage proceeds at the 'beginning' of the hard disk").

**Regarding claim 5**, Winter et al disclose a data recording/reproducing apparatus wherein a classification of the data which are to be written is different for each one of the recording area (Col 4, lines 2-8 "a data memory device...and a control device for designating a main portion of the data memory device...the control device also designating a buffer portion on the data memory device"), and the data recording/reproducing apparatus comprises data classification information setting means which is for a user to set up (Col 14, lines 8-10 "a host computer which provides support functions and downloadable software resources to the IVIM systems"), for each one of the recording area, data classification information which is for setting up a classification of data which are to be written (Col 4, lines 2-8 "a data memory device...and a control device for designating a main portion of the data memory

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device...the control device also designating a buffer portion on the data memory device”).

**Regarding claim 6**, Winter et al disclose a medium which is handled with a computer and carries a program which is for executing, with a computer, functions of a data recording/reproducing apparatus (Col 14, lines 27-31 “The local nodes 514 are preferably implemented using standard personal computer hardware and software”).

**Regarding claim 7**, Winter et al disclose a program for executing, with a computer, functions of a data recording/reproducing apparatus (Col 14, lines 28-31 “standard personal computer hardware and software, augmented with novel software capabilities”)

***Allowable Subject Matter***

4. Claim 8 is allowed for reasons of record.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached at (571) 272-7375.

**Any response to this action should be mailed to:**

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Commissioner of Patents and Trademarks

Washington, DC 20231

Application/Control Number: 09/869,420  
Art Unit: 26166

Page 10


**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only).**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF  
May 2, 2005

  
THAI TRAN  
PRIMARY EXAMINER